

(c) The terms of the lease shall require during the minimum period of the lease rental payments which in the aggregate will exceed the total expenditures by the bank for or in connection with the acquisition, ownership, and protection of the property.

(d) The terms of the lease shall require periodic rental payments to be made at least annually.

(e) The terms of the lease shall establish a rental payment schedule by which no individual rental payment shall exceed the average rental payment by more than 50 percent, the average rental payment to be computed by dividing the total dollar amount of rental payments to be made over the term of the lease by the number of payments to be made.

(f) Except upon the written approval of the commissioner, the term of the lease shall not exceed 12 years, 32 days.

(g) The total amount of unpaid rental obligations of a customer to a bank on personal property, shall constitute a liability of the customer within the meaning of section 48.24, subdivision 1.

(h) No state bank shall lease personal property, directly or indirectly, to any of its directors, officers, stockholders, or employees.

(i) The total amount of unpaid rental obligations to be paid to the bank on personal property, shall not exceed 200 percent of the sum of the bank's capital actually paid in cash and its actual surplus fund.

Sec. 2. This act is effective July 1, 1975.

Approved June 4, 1975.

CHAPTER 301—S.F.No.211

[Coded in Part]

An act relating to counties; altering compensation of county officers; amending Minnesota Statutes 1974, Sections 38.38; 106.431, Subdivision 1; 273.061, Subdivision 6; 282.09, Subdivision 1; 282.19; 344.19; 375.055, Subdivisions 1 and 5; 375.06, Subdivision 1; 375.47; Chapter 375, by adding a section; 376.58, Subdivision 2; 393.03; and 394.30, Subdivision 3; repealing Minnesota Statutes 1974, Sections 274.15; 375.055, Subdivision 3; 375.43; 384.151, Subdivision 2; 385.373, Subdivision 2; 386.015, Subdivision 3; 387.20, Subdivision 3; 388.18, Subdivision 3; and 485.018, Subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 38.38, is amended to
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read:

38.38 COUNTIES; COMPENSATION OF OFFICERS; COUNTY EXTENSION COMMITTEE; DUTIES. The duties of the members of the county extension committee, in addition to those hereinbefore specified, shall be to encourage the cooperation of all individuals and organizations to make profitable use of extension activities. It shall elect its own chairman and vice-chairman, who shall serve for one year. The county extension agent shall give aid and advice to all residents of the county when called upon, when the object is to improve the science, art and business of agriculture and home economics and subjects related thereto. The county auditor shall act as secretary of such county extension committee, and keep a record of all its proceedings, and shall forward copies of all resolutions appropriating funds by the county commissioners to the dean of the Institute of Agriculture of the University of Minnesota. The members of the county extension committee other than members of the board of county commissioners shall be reimbursed for expenses or may receive a per diem allowance in accordance with Minnesota Statutes, Section 375.47 ; ~~except~~. County commissioners ~~who may be entitled to such compensation and paid in like manner as for committee services as county commissioners but subject to the provisions of section 375.055, subdivision 5~~ may receive a per diem pursuant to section 375.055, subdivision 1, and may be reimbursed for their necessary expenses, including mileage in accordance with section 43.328 .

Sec. 2. Minnesota Statutes 1974, Section 106.431, Subdivision 1, is amended to read:

106.431 FEES AND EXPENSES; PAYMENT. Subdivision 1. **FEES AND EXPENSES.** The following fees and expenses shall be allowed and paid for services rendered under this chapter:

(1) The compensation of the engineer and his assistants and other employees shall be on a per diem basis and shall be fixed by order of the board or court. The order fixing compensation shall provide for payment of the actual and necessary expenses of the engineer and his assistants and other employees, including the cost of the engineer's bond.

(2) Each viewer ~~shall~~ may be paid on a per diem basis for every day necessarily engaged and his actual and necessary expenses. The compensation shall be fixed by the board or court.

(3) Each member of the county board ~~shall~~ may be paid the ~~sum of \$10 per day for each day~~ a per diem pursuant to section 375.055, subdivision 1 while actually employed in drainage proceedings ~~and for each day employed~~ or in the inspection of any drainage system, if appointed as a committee for that purpose, and in addition thereto, his actual and necessary expenses incurred therein. ~~Such per diem shall be in addition to all sums and fees allowed by law.~~

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(4) The county auditor, the attorney for the petitioners and the clerk of the district court, shall each be paid such reasonable compensation for services actually rendered as may be fixed by the board or court; and the fees and compensation of all county officials in drainage proceedings shall be in addition to all sums and fees allowed by law.

(5) The cost of petitioners' bond.

Sec. 3. Minnesota Statutes 1974, Section 273.061, Subdivision 6, is amended to read:

Subd. 6. **SALARIES; EXPENSES.** The salaries of the county assessor and his assistants and clerical help, shall be fixed by the board of county commissioners and shall be payable in monthly installments out of the general revenue fund of the county. In counties with a population of less than 50,000 inhabitants, according to the then last preceding federal census, the board of county commissioners shall not fix the salary of the county assessor at an amount below the following schedule:

In counties with a population of less than 6,500, \$5,900;

In counties with a population of 6,500 but less than 12,000, \$6,200;

In counties with a population of 12,000 but less than 16,000, \$6,500;

In counties with a population of 16,000 but less than 21,000, \$6,700;

In counties with a population of 21,000 but less than 30,000, \$6,900;

In counties with a population of 30,000 but less than 39,500, \$7,100;

In counties with a population of 39,500 but less than 50,000, \$7,300;

In counties with a population of 50,000 or more, \$8,300.

~~The county assessor shall be included under the provisions of section 275.42.~~ In addition to their salaries, the county assessor and his assistants shall be allowed their expenses for reasonable and necessary travel in the performance of their duties, including necessary travel, lodging and meal expense incurred by them while attending meetings of instructions or official hearings called by the commissioner of revenue. These expenses shall be payable out of the general revenue fund of the county, and shall be allowed on the same basis as such expenses are allowed to other county officers.

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Sec. 4. Minnesota Statutes 1974, Section 282.09, Subdivision 1, is amended to read:

282.09 FORFEITED TAX SALE FUND. Subdivision 1. **MONEYS PLACED IN FUND.** The county auditor and county treasurer shall place all moneys received through the operation of sections 282.01 to 282.13 in a fund to be known as the forfeited tax sale fund and all disbursements and costs shall be charged against that fund, when allowed by the county board. ~~Compensation of Members of the county board shall be at the rate of \$10 per day and may be paid a per diem pursuant to section 375.055, subdivision 1, and reimbursed for their necessary expenses, and may receive mileage as now or hereafter fixed by law with the aggregate compensation of any member of a county board for services rendered hereunder not to exceed the sum of \$300 in any one year.~~ Compensation of a land commissioner and his assistants, if a land commissioner is appointed, shall be in such amount as shall be determined by the county board. The county auditor shall receive 50 cents for each certificate of sale, each contract for deed and each lease executed by him, and in counties where no land commissioner is appointed such additional annual compensation, not exceeding \$300, as shall be fixed by the county board. Compensation of any other clerical help that may be needed by the county auditor or land commissioner shall be in such amount as shall be determined by the county board. All compensation provided for herein shall be in addition to other compensation allowed by law. Out of the gross proceeds in this fund there shall be paid to the state, in addition to any distribution of net proceeds therefrom, a fee of \$3 for each and every state deed hereafter issued or reissued by the commissioner of revenue pursuant to the sale of any tax forfeited lands. Fees so charged shall be included in the annual settlement by the county auditor as hereinafter provided. On or before February 1 in each year, the commissioner of revenue shall certify to the commissioner of finance, by counties, the total number of state deeds issued and reissued during the preceding calendar year for which such fees are charged and the total amount thereof. When disbursements are made from the fund for repairs, refundments, expenses of actions to quiet title, or any other purpose which particularly affects specific parcels of forfeited lands, the amount of such disbursements shall be charged to the account of the taxing districts interested in such parcels. The county auditor shall make an annual settlement of the net proceeds received from sales and rentals by the operation of sections 282.01 to 282.13, at the regular March settlement, for the preceding calendar year.

Sec. 5. Minnesota Statutes 1974, Section 282.19, is amended to read:

282.19 COUNTY TREASURER TO COLLECT PAYMENTS. The county treasurer shall collect all payments made under sections 282.14 to 282.22 and place the same in a special fund and forthwith submit to the natural resources commissioner a copy of the receipt specifying the name and address of the person making the payment and the date

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and amount thereof, whether for principal, timber, improvements or interest, the fund to which it is applicable, and the number of the certificate. Such receipt shall be countersigned by the auditor of such county, and shall have the same force and effect as if given by the state treasurer. The county treasurer shall report all collections to the commissioner of natural resources on June 30 and December 31 of each year and at such other times when requested by the commissioner. There shall be transferred from such special fund to the revenue fund of the county the cost of giving the notices herein required and there ~~shall~~ may be paid from such fund to the members of the county board, upon warrant of the county auditor, \$10 per day for each day necessarily consumed in the classification and appraisal of the lands under sections 282.14 to 282.22 and a per diem pursuant to section 375.055, subdivision 1 and mileage as now or hereafter fixed by law, and to the county auditor and the county treasurer for their additional duties such sums as the county board may by resolution determine, not to exceed to each annually one percent of the annual receipts under sections 282.14 to 282.22, and to help to defray the costs of equipment and supplies, and for additional clerk hire in the county auditor's office such amount as the county board may by resolution determine, not to exceed annually ten percent of the annual receipts under sections 282.14 to 282.22, but in any event not to exceed the sum of \$1,000 for equipment, supplies and clerk hire in any fiscal year. Where a county board has appointed a land commissioner under the provisions of section 282.13 the actual expenses of the land commissioner, together with mileage at the rate of seven and one half cents per mile reimbursement in accordance with section 43.328 for necessary travel in gathering data and information to assist the county board in making classifications and appraisals under sections 282.14 to 282.22, shall be paid from this fund upon warrant of the county auditor. The amount remaining in the fund shall be transmitted by the county treasurer to the commissioner of natural resources as of June 30 and December 31 each year, and at such other times when requested by the commissioner, and disposed of as provided by the laws governing the fund derived from the respective areas in which the lands sold were situated.

Sec. 6. Minnesota Statutes 1974, Section 344.19, is amended to read:

344.19 VIEWERS IN COUNTIES NOT ORGANIZED INTO TOWNS. In counties not ~~divided~~ organized into towns, the county commissioners shall be fence viewers and be governed by the provisions of this chapter, except that county commissioners shall not receive the per diem provided in section 344.18 but may be paid a per diem pursuant to section 375.055, subdivision 1, and in addition thereto their necessary expenses, including mileage in accordance with section 43.328.

Sec. 7. Minnesota Statutes 1974, Section 375.055, Subdivision 1, is amended to read:

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375.055 COUNTY COMMISSIONERS' COMPENSATION. Subdivision 1. **FIXED BY COUNTY BOARD.** The county commissioners in all counties of the state ~~having a population of less than 100,000 according to the 1960 federal census~~, except Hennepin, Ramsey and St. Louis counties, shall receive as compensation for services rendered by them for their respective counties, annual salaries, ~~and in addition may receive per diem payments and reimbursement for necessary expenses in performing the duties of the office in an amount as set by resolution of the county board, provided that such the salary and schedule of per diem payments shall not become effective until January 1 of the next odd numbered calendar year; and provided that such salary is established in conformity with this subdivision.~~ The county board may establish a new salary by a resolution adopted and published in the even numbered year not less than 30 days prior to the date of opening of filings for the office of county commissioner. The resolution shall contain a statement of the new salary to be established set forth on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board, or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, ~~the same resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there be one located in a different municipality in the county than the official newspaper.~~ The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with the provisions of this subdivision.

Sec. 8. Minnesota Statutes 1974, Section 375.055, Subdivision 5, is amended to read:

Subd. 5. **OTHER BENEFITS.** Except as provided herein nothing in this section shall limit the right of a county commissioner to collect and retain any fees, per diem payment made pursuant to section 375.055, subdivision 1, or any mileage or expense allowance, ~~payment in lieu of mileage or reimbursement of expenses in attending meetings or in the conduct of the business of a board, commission or committee of county government on which he serves, which he is now authorized by any other provision of the law to collect and retain in addition to the stated amount of his annual salary; or to participate in any group insurance program instituted by the county board for county officers and employees; provided that the several members of the county board shall not receive a per diem for service on the board of auditors, the board of equalization, or the canvassing board and provided further that a county commissioner, other than the chairman of the county board, shall not be paid in excess of \$50 by way of per diems for service in any calendar month on a committee of the county board or on any board, commission or committee of county government or a total of \$400 for such service in any calendar year. The chairman of the county board shall not be paid in excess of \$70 by way of per diems~~

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for service in any calendar month on a committee of the county board or on any board, commission or committee of county government or a total of \$700 for such service in any calendar year .

Sec. 9. Minnesota Statutes 1974, Section 375.06, Subdivision 1, is amended to read:

375.06 COMPENSATION FOR COMMITTEE WORK; TRAVEL EXPENSES. Subdivision 1. The several members of the county boards in counties ~~having less than 100,000 inhabitants according to the 1960 federal census shall receive \$10 per day for each and every day~~ other than Hennepin, Ramsey, and St. Louis, may be paid a per diem pursuant to section 375.055, subdivision 1, for each day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, ~~and~~ may be allowed and paid ~~in addition thereto~~ their actual and necessary traveling expenses in accordance with section 43.328 for travel incurred in the discharge of such committee work. Any committee may be comprised of all of the members of the county board.

The several members of the county boards in addition to any compensation authorized for their duties may be allowed and paid their actual and necessary traveling expenses in accordance with section 43.328 for travel incurred in attending meetings of the board. The chairman of the county board ~~shall~~ may receive ~~seven and one half cents per mile, each way, mileage reimbursement in accordance with section 43.328~~ for going to the county seat to sign warrants during recess of the county board.

Sec. 10. Minnesota Statutes 1974, Section 375.47, is amended to read:

375.47 EXPENSE ALLOWANCES FOR MEMBERS OF BOARDS AND AGENCIES. Subdivision 1. Except in counties containing a city of the first class, the board of county commissioners of each county may, by resolution, set a reasonable allowance for expenses or a per diem allowance in lieu of expenses and a mileage allowance to be paid the members of boards or agencies authorized by statute, and members of advisory boards or committees, performing duties for all or part of the county, when the board or agency does not itself have power to make expense allowances for its members. The allowances shall be paid from the funds under the administration of the boards or agencies. Members of the board of county commissioners shall not receive any per diem pursuant to this subdivision.

Subd. 2. No member of a board ~~or~~, agency, advisory board, or committee shall receive an allowance for expenses, or a per diem allowance in lieu of expenses, or a mileage allowance pursuant to subdivision 1, if in another capacity he receives from the county under authority of any other statute or resolution either:

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(a) an allowance for or per diem allowance in lieu of the same expenses or mileage; or

(b) a fixed amount, whether as part of his salary or otherwise, for expenses of like kind incurred in the performance of his duties in such other capacity.

Sec. 11. Minnesota Statutes 1974, Chapter 375, is amended by adding a section to read:

[375.435] COST OF LIVING ADJUSTMENT. A cost of living adjustment to the salary paid to a county auditor, county treasurer, register of deeds, clerk of the district court, sheriff, county attorney, county assessor, or county commissioner pursuant to section 375.43, prior to January 1, 1976, shall be deemed part of the salary paid to the officer from January 1, 1976.

Sec. 12. Minnesota Statutes 1974, Section 376.58, Subdivision 2, is amended to read:

Subd. 2. **NURSING HOME BOARD; CREATION; COMPENSATION.** Whenever two or more counties, through their boards of county commissioners, have agreed to maintain a county nursing home under the authority provided in section 376.55 herein; the county commissioners of each county shall designate the county welfare boards of the cooperating counties as the county nursing home board. Immediately after their designation as the county nursing home board, the welfare boards of the cooperating counties shall hold a joint meeting and elect a chairman, vice chairman and secretary who shall be the executive committee; provided, however, that each county shall have not less than one representative on the executive committee, provided also that where more than three counties participate in establishing a nursing home, the executive committee shall be expanded by one member for each additional county above three to the end that no county will have less than one member on the executive committee. The joint meeting of the county welfare boards that have been designated as the county nursing home board shall, in the first instance, be called by the chairman of the county welfare board of the county wherein the county commissioners have agreed to locate the proposed home, and thereafter they shall meet annually, and at such other times as are deemed necessary. Members of the county nursing home board, and its executive committee, other than members of board of county commissioners, for each day spent in transacting the business of the board or the committee shall be compensated and each member, including members of board of county commissioners, shall be entitled to reimbursement may be reimbursed for necessary expenses incurred by them in connection with their official duties; such compensation and reimbursement for expenses shall be paid from the county nursing home fund and shall be the same as for service as a member of a county welfare board. This compensation shall be in addition to any compensation received as a member of such welfare board. Nothing in this subdivision

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shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Sec. 13. Minnesota Statutes 1974, Section 393.03, is amended to read:

393.03 **PER DIEM.** Except as provided in section 393.01, subdivisions 3 and 5, each member of the county welfare board, except county commissioners, may receive from the state, county, or a municipality, not to exceed \$15 for each day spent in transacting the business of the board, but for not exceeding 50 days in any year, or an amount equivalent to any per diem paid to county commissioners for such services pursuant to section 375.055, subdivision 1, whichever is greater; provided that where such welfare board also serves as the county hospital board or as the county nursing home board, members, other than county commissioners, may be paid not to exceed \$15 for each day spent in transacting the business of the board, but for not exceeding 75 days in any year, or an amount equivalent to any per diem paid to county commissioners for such services pursuant to section 375.055, subdivision 1, whichever is greater. This compensation is in addition to any salary he may receive from any other source except that as to county commissioners serving on the board the provisions of Minnesota Statutes 1967, Section 375.066, Subdivision 6, shall apply. The county ~~shall~~ may reimburse each member, including county commissioners, for expenses incurred in the performance of official duties. Nothing in this section shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Sec. 14. Minnesota Statutes 1974, Section 394.30, Subdivision 3, is amended to read:

Subd. 3. The members of the commission, other than members of the board of county commissioners, may be compensated in an amount determined by the county board ~~and~~. All commission members, including county commissioners, may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the commission. Nothing in this subdivision shall be construed to prohibit the payment of a per diem to county commissioners pursuant to section 375.055, subdivision 1.

Sec. 15. [375.057] **SPECIAL ACTS PROVIDING FOR PAYMENT OF PER DIEMS.** Any special act for a single county or group of counties providing for the payment of per diems to county commissioners is superseded to the extent that it is inconsistent with sections 1 to 14 of this act. This section shall not apply to Hennepin, Ramsey and St. Louis counties.

Sec. 16. **REPEAL.** Minnesota Statutes 1974, Sections 274.15, 375.055, Subdivision 3; 375.43; 384.151, Subdivision 2; 385.373, Subdivision 2; 386.015, Subdivision 3; 387.20, Subdivision 3; 388.18, Subdivi-

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sion 3; and 485.018, Subdivision 3, are repealed.

Sec. 17. **EFFECTIVE DATE.** This act is effective the day following its final enactment, except that section 16 shall be effective January 1, 1976. Any amounts in the nature of per diems payable to members of the board of county commissioners pursuant to laws amended, repealed, or superseded by this act may continue to be paid until the board of county commissioners establishes compensation for its members in accordance with section 375.055, subdivision 1 or until January 1, 1977, whichever occurs first.

Approved June 4, 1975.

CHAPTER 302—S.F.No.226

An act relating to employment services; unemployment compensation; administrative expense; re-establishing the contingent account, providing for its funding; appropriating Reed Act federal moneys; amending Minnesota Statutes 1974. Sections 268.05, Subdivision 5; 268.15, Subdivision 3; and 268.16, Subdivisions 1 and 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 268.05, Subdivision 5, is amended to read:

Subd. 5. **EMPLOYMENT SERVICES; UNEMPLOYMENT COMPENSATION; PAYMENT OF EXPENSES OF ADMINISTRATION; APPROPRIATION.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States Of America pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of Laws 1957, Chapter 883 pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) Limits the amount which may be obligated during any twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same twelve-

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